

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PEDRO ANTONIO FONTANEZ,
Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,
Defendant.

CASE NO. 2:16-cv-01058 RSL

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (Dkt. 15).

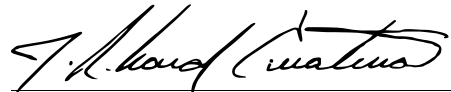
After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner.

Based on the stipulation of the parties, this Court recommends that the above-captioned case be **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). If the Acting Commissioner does not issue a fully favorable decision on the record following remand, then plaintiff will have the opportunity for a *de novo* hearing. Following remand, the Appeals Council should instruct the Administrative Law Judge to evaluate further the claimant's residual functional capacity and in so doing, evaluate the opinions of Dr. Kester, Dr. Mee, Dr. Dees, Dr. Czynsz, Dr. Russell and Dr. Hopfenbeck, and explain the weight given to such opinion evidence with each physician's opinion addressed with specific reasons if it is not adopted; evaluate drug addiction and alcoholism in accordance with Social Security Ruling 13-2p; if warranted, obtain supplemental vocational expert testimony to determine whether plaintiff is capable of performing any past relevant work and/or whether or not there are a significant number of jobs in the national economy that plaintiff can perform; give the plaintiff an opportunity for a hearing; and issue a new decision.

Following proper application, plaintiff shall be eligible for attorneys' fees under the Equal Access to Justice Act, 24 U.S.C. § 2412 *et. seq.*

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 2nd day of March, 2017.



J. Richard Creatura
United States Magistrate Judge